



Entered on Docket  
September 02, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SEVENTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED,  
IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE BAY POMPAÑO  
BEACH LOAN**

Hearing Date: August 21, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

The Court having considered the “Seventh Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan” [Docket No. 7278] (the “Objection”); with appropriate notice of the Objection having been given; no responses having been filed; and good cause appearing:

**IT IS HEREBY ORDERED** that:

1. The Objection is sustained;
2. The claims listed on **Exhibit A** attached are allowed as general unsecured claims for the amount shown on **Exhibit A** as Unremitted Principal. The remainder of those claims are disallowed to the extent they are based upon a Direct Lender investment in the Bay Pompano Beach Loan as shown on **Exhibit A**; and
3. To the extent the claims listed on **Exhibit A** are based upon investments in loans other than the Bay Pompano Beach Loan, this order does not affect the claims and the USACM Trust may file further objections as to those claims.

PREPARED AND RESPECTFULLY SUBMITTED BY:

**LEWIS AND ROCA LLP**

By /s/ Marvin Ruth (#10979)

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ Marvin Ruth (#10979)  
 Rob Charles  
 John Hinderaker  
 Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Total Claim Amount Relating to Bay Pompano Beach Loan</b>	<b>Unremitted Principal to be Allowed as Claim</b>	<b>Approximate Amount Subject to Objection</b>
10725-00231	Donald P Clark Family Trust DTD 10/25/94	C/O Donald P Clark Trustee 305 W Moana Ln Reno, NV 89509-4924	709,011.56	74,011.56	-	74,011.56
10725-00413	Sobesky, Stephen	1118 Olmo Boulder City, NV 89005	70,000.00	Unknown	-	Unknown
10725-01032	Perrone, Nicholas	5112 San Anselmo St Las Vegas, NV 89120	736,089.00	46,089.00	-	46,089.00
10725-01419	S&P Davis Limited Partnership	737 Bannerman Lane Fort Mill, SC 29715	419,981.00	25,000.00	-	25,000.00
10725-01541	Graham Family Trust DTD 10/26/78	Robin B & Celia Allen Graham Tees 1460 Twinridge Rd Santa Barbara, CA 93111-1223	503,808.00	37,500.00	-	37,500.00
10725-01601	Clark, Donald	305 W Moana LN Reno, NV 89509	775,918.76	82,571.84	-	82,571.84
10725-01635	Marcia J Knox Living Trust DTD 8/16/04	C/O Marcia J Knox Trustee 1885 Vintners Pl Reno, NV 89509-8334	-	Unknown	-	Unknown
10725-01684	Mcknight, James E	233 Branch Ave Freeport, NY 11520	-	Unknown	-	Unknown
10725-01694	Wahl, David	Po Box 8012 Mammoth Lakes, CA 93546	289,414.18	45,278.83	-	45,278.83
10725-01863	Hubbard Trust DTD 7/29/98	C/O George W Hubbard And Carol N Hubbard Trustees 6340 N Calle Tregua Serena Tucson, AZ 85750-0951	162,500.00	27,500.00	-	27,500.00

**EXHIBIT A**

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